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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BLUESTONE INNOVATIONS LLC,

Plaintiff,

v.

NICHIA CORPORATION; NICHIA AMERICA  
CORPORATION,

Defendants.

Case No. 3:12-cv-00059-SI

BLUESTONE INNOVATIONS LLC,

Plaintiff,

v.

LG ELECTRONICS, INC., et al.,

Defendants.

Case No. 3:13-cv-01770-SI

**JOINT CLAIM CONSTRUCTION AND  
PREHEARING STATEMENT**

Judge: Honorable Susan Illston

1 Pursuant to Patent L.R. 4-3, the parties to the related cases captioned *Bluestone Innovations LLC*  
2 *v. Nichia Corp., et al.*, Case No. 3:12-cv-00059-SI (N.D. Cal.) and *Bluestone Innovations LLC v. LG*  
3 *Elects., Inc., et al.*, Case No. 3:13-cv-01770-SI (N.D. Cal.) (collectively, the "Bluestone Litigations")  
4 hereby submit this Joint Claim Construction and Prehearing Statement.

5 Pursuant to the Court's case management orders which have established common deadlines for  
6 the Bluestone Litigations, the parties are scheduled to appear for a technology tutorial on May 7, 2014  
7 and a *Markman* hearing on May 14, 2014. As to the technology tutorial, the parties anticipate that one or  
8 more persons having skill in the art to which the patent-in-suit is directed may be utilized for purposes of  
9 assisting the parties in educating the Court with respect to the technology at issue and the inventions of  
10 the patent-in-suit. The parties agree that two hours total should be sufficient for the parties to present  
11 their respective tutorials. As to the *Markman* hearing, the parties agree that there will be no live  
12 testimony and that two hours total should be sufficient for the parties to present their respective claim  
13 constructions arguments. At the present time, the parties have been unable to reach an agreement with  
14 respect to the construction of any claim terms that were identified by the parties pursuant to Patent L.R.  
15 4-1. The parties intend to continue with their efforts to reach agreed-upon constructions, and will  
16 promptly inform the Court in the event that any such agreements are reached.

17 The parties dispute a total of seven (7) claim terms of the patent-in-suit, and believe in good faith  
18 that the construction of said claim terms will be significant to the resolution of the Bluestone Litigations:

- 19 1. "mesa"
- 20 2. "upstanding mesa"
- 21 3. "a top surface"
- 22 4. "film on the top surface of at least one mesa"
- 23 5. "the at least one mesa including surfaces oriented along crack planes"
- 24 6. "crack planes of the epitaxial film"
- 25 7. "at least one mesa comprises a plurality of mesas"

26 In defendants' view, with the exception of the construction for "at least one mesa comprises a plurality of  
27 mesas," each construction is claim and/or case dispositive for one or more of the defendants. Attached hereto  
28 as Exhibit A is a chart containing the parties' respective proposed constructions for the aforementioned

1 disputed claim terms, together with an identification of the intrinsic evidence from the specification,  
2 prosecution history and the cited references of the patent-in-suit that support those constructions, as well as an  
3 identification of the extrinsic evidence on which the parties respectively intend to rely. The parties do not  
4 intend to introduce into evidence testimony from any percipient and/or expert witnesses in conjunction with  
5 the claim construction process, including at the *Markman* hearing.

6  
7 Dated: December 16, 2013

Respectfully submitted,

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1 **FILER'S ATTESTATION**

2 Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Sonali D. Maitra, attest that concurrence  
3 in the filing of this document has been obtained.

4 Dated: December 16, 2013

/s/ Sonali D. Maitra

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## CERTIFICATE OF SERVICE

I certify that all counsel of record in *Bluestone Innovations LLC v. Nichia Corp., et al.*, Case No. 3:12-cv-00059-SI (N.D. Cal.) and *Bluestone Innovations LLC v. LG Elecs., Inc., et al.*, Case No. 3:13-cv-01770-SI (N.D. Cal.) are being served on December 16, 2013 with a copy of this document via the Court's CM/ECF system at the email addresses below:

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